

SENATE BILL No. 189

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-2-3-16.5; IC 7.1-3; IC 7.1-4; IC 7.1-5.

Synopsis: Alcoholic beverage matters. Creates a supplemental dealer's permit for holders of beer, wine, or liquor dealer permits who want to sell alcoholic beverages for carryout on Sunday. Allows the holder of a package liquor store permit or farm winery permit to sell carryout alcoholic beverages on Sunday without a supplemental dealer's permit. Requires the fee for the supplemental dealer's permit to be deposited in the enforcement and administration fund of the alcohol and tobacco commission (ATC). Allows the holder of a beer dealer permit to sell cold beer. Makes it a Class C misdemeanor for an alcoholic beverage dealer permittee or a dealer permittee's employee or agent to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish to another person alcoholic beverages for carryout without first requiring the person to produce proof that the person is at least 21 years of age in the form of: (1) a driver's license; (2) a government issued identification card; or (3) a government issued document; that bears the person's photograph and birth date. Provides that it is a defense in a criminal or administrative proceeding that the individual who purchased carryout alcoholic beverages without being required to provide proof of age appeared to be at least 50 years of age. Provides that, in a criminal prosecution or proceeding before the ATC, it is a defense to a charge of unlawfully furnishing alcohol to a minor that the purchaser produced a government issued document bearing the purchaser's photograph and showing the purchaser to be at least 21 years of age. Allows a minor to be on the licensed premises of a package liquor store if the minor is accompanied by the minor's parent or guardian who is at least 21 years of age. Repeals a provision that limits the commodities that a package liquor store may sell. Repeals a provision that prohibits beer dealers from selling cold beer.

Effective: July 1, 2010.

Boots

January 5, 2010, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.



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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 189

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-2-3-16.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16.5. (a) As used in this
3 section, "facility" includes the following:

4 (1) A facility to which IC 7.1-3-1-25(a) applies.

5 (2) A tract that contains a premises that is described in

6 ~~IC 7.1-3-1-14(c)(2)~~; **IC 7.1-3-1-14(d)(2)**.

7 (3) A horse track or satellite facility to which IC 7.1-3-17.7
8 applies.

9 (4) A tract that contains an entertainment complex.

10 (b) As used in this section, "tract" has the meaning set forth in
11 IC 6-1.1-1-22.5.

12 (c) A facility may advertise alcoholic beverages:

13 (1) in the facility's interior; or

14 (2) on the facility's exterior.

15 (d) The commission may not exercise the prohibition power
16 contained in section 16(a) of this chapter on advertising by a brewer,
17 distiller, rectifier, or vintner in or on a facility.



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(e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may provide advertising to a permittee that is a brewer, distiller, rectifier, or vintner in exchange for compensation from that permittee.

SECTION 2. IC 7.1-3-1-14, AS AMENDED BY P.L.165-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages **only** for consumption on the licensed premises ~~only~~ on Sunday from 10 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day.

(c) It is lawful for the holder of a:

(1) supplemental dealer's permit;

(2) liquor dealer's permit for a package liquor store; or

(3) farm winery permit;

to sell the appropriate alcoholic beverages only for consumption off the licensed premises on Sunday from 10 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day.

~~(c)~~ **(d)** It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

~~(d)~~ **(e)** It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

~~(e)~~ **(f)** Notwithstanding subsection (b), if December 31 (New Year's Eve) is on a Sunday, it is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31, from 10 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

SECTION 3. IC 7.1-3-3-5, AS AMENDED BY P.L.94-2008,

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SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The holder of a beer wholesaler's permit may purchase and import from the primary source of supply, possess, and sell at wholesale, beer and flavored malt beverages manufactured within or without this state.

(b) A beer wholesaler permittee may possess, transport, sell, and deliver beer to:

- (1) another beer wholesaler authorized by the brewer to sell the brand purchased;
- (2) an employee; or
- (3) a holder of a beer retailer's permit, beer dealer's permit, temporary beer permit, dining car permit, boat permit, airplane permit, ~~or~~ supplemental caterer's permit, **or supplemental dealer's permit;**

located within this state. The sale, transportation, and delivery of beer shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery.

(c) The beer wholesaler's bona fide regular employees may purchase beer from the wholesaler in:

- (1) bottles, cans, or any other type of permissible containers in an amount not to exceed forty-eight (48) pints; or
- (2) one (1) keg;

at any one (1) time.

(d) The importation, transportation, possession, sale, and delivery of beer shall be subject to the rules of the commission and subject to the same restrictions provided in this title for a person holding a brewer's permit.

(e) **Except as provided in subsection (f),** the holder of a beer wholesaler's permit may purchase, import, possess, transport, sell, and deliver any ~~commodity listed in IC 7-1-3-10-5,~~ **of the following commodities** unless prohibited by this title: ~~However,~~

- (1) Beer in permissible containers, if the permittee has the proper permit.**
- (2) Bar supplies used in the preparation for consumption of alcoholic beverages and in their consumption.**
- (3) Tobacco products.**
- (4) Uncooled and uniced charged water, carbonated soda, ginger ale, mineral water, grenadine, and flavoring extracts.**
- (5) Printed materials.**
- (6) Lottery tickets as provided in IC 4-30-9.**
- (7) Cooled or uncooled nonalcoholic malt beverages.**
- (8) Flavored malt beverage in its original package.**

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(f) A beer wholesaler may deliver flavored malt beverages only to the holder of one (1) of the following permits:

(1) A beer wholesaler or wine wholesaler permit, if the wholesaler is authorized by the primary source of supply to sell the brand of flavored malt beverage purchased.

(2) A wine retailer's permit, wine dealer's permit, temporary wine permit, dining car wine permit, boat permit, airplane permit, or supplemental caterer's permit, **or supplemental dealer's permit.**

(g) A beer wholesaler may:

(1) store beer for an out-of-state brewer described in IC 7.1-3-2-9 and deliver the stored beer to another beer wholesaler that the out-of-state brewer authorizes to sell the beer;

(2) perform all necessary accounting and auditing functions associated with the services described in subdivision (1); and

(3) receive a fee from an out-of-state brewer for the services described in subdivisions (1) through (2).

SECTION 4. IC 7.1-3-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer allow it to be consumed on the licensed premises.

(d) Except as provided in subsection (e), a beer dealer shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office. A beer dealer shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall a beer dealer be entitled to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. ~~However, notwithstanding IC 7.1-5-10-11, A beer dealer who is licensed pursuant to IC 7.1-3-10-4~~ shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. This delivery may only be performed by the permit holder or an employee who holds an

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employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(e) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises.

SECTION 5. IC 7.1-3-8-3, AS AMENDED BY P.L.94-2008, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The holder of a liquor wholesaler's permit shall be entitled to sell liquor at wholesale.

(b) A liquor wholesaler shall be entitled to purchase liquor within this state from a person who holds a distiller's permit, a rectifier's permit, or a liquor wholesaler's permit. A liquor wholesaler also may purchase liquor outside this state from the primary source of supply and, from that source, may transport and import liquor into this state.

(c) A liquor wholesaler may sell, transport, and deliver liquor only to a person who, under this title, holds a:

- (1) liquor retailer's permit;
- (2) supplemental caterer's permit;
- (3) liquor dealer's permit; ~~or~~
- (4) liquor wholesaler's permit; **or**

(5) supplemental dealer's permit.

The sale, transportation, and delivery of liquor shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, and only in permissible containers and is subject to the rules of the commission fixing the quantity which may be sold or delivered at any one (1) time.

(d) A liquor wholesaler's bona fide regular employees may purchase liquor from the wholesaler in an amount not to exceed eighteen (18) liters.

SECTION 6. IC 7.1-3-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) This section applies to:

- (1) the holder of a three-way permit that is issued to a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in ~~IC 7.1-3-1-14(e)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a convention center; or
- (2) the holder of a catering permit while catering alcoholic

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beverages at a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in ~~IC 7.1-3-1-14(c)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a convention center.

(b) As used in this section, "suite" means an area in a building or facility referred to in subsection (a) that:

- (1) is not accessible to the general public;
- (2) has accommodations for not more than seventy-five (75) persons per suite; and
- (3) is accessible only to persons who possess a ticket:
 - (A) to an event in a building or facility referred to in subsection (a); and
 - (B) that entitles the person to occupy the area while viewing the event described in clause (A).

The term does not include a restaurant, lounge, or concession area, even if access to the restaurant, lounge, or concession area is limited to certain ticket holders.

(c) A permittee may allow the self-service of individual servings of alcoholic beverages in a suite.

(d) A person who:

- (1) possesses a ticket described in subsection (b)(3); and
- (2) is at least twenty-one (21) years of age;

may obtain an alcoholic beverage in a suite by self-service.

(e) A permittee may do any of the following:

- (1) Demand that a person occupying a suite provide:
 - (A) a written statement under IC 7.1-5-7-4; and
 - (B) identification indicating that the person is at least twenty-one (21) years of age.
- (2) Supervise the self-service of alcoholic beverages.
- (3) Have an employee in the suite who holds an employee permit under IC 7.1-3-18-9 to serve some or all of the alcoholic beverages.

SECTION 7. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 14. The holder of a liquor dealer's permit for a package liquor store may sell alcoholic beverages for consumption off the licensed premises on Sunday as provided in IC 7.1-3-1-14.**

SECTION 8. IC 7.1-3-12-5, AS AMENDED BY P.L.165-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The holder of a farm winery permit:

- (1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;

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(2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:

(A) holds an employee permit under IC 7.1-3-18-9; and

(B) completes a server training program approved by the commission;

(3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;

(4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;

(5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at wholesale;

(6) is exempt from the provisions of IC 7.1-3-14;

(7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;

(8) for wine described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the wine on the licensed premises; and

(B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;

(9) is entitled to purchase and sell bulk wine as set forth in this chapter;

(10) is entitled to sell wine as authorized by this section **and as provided in IC 7.1-3-1-14** for carryout on Sunday; and

(11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may, individually or with other permit holders under this chapter, participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than thirty (30) days in a calendar year.

SECTION 9. IC 7.1-3-13-3, AS AMENDED BY P.L.165-2006,

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SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The holder of a wine wholesaler's permit may purchase, import, and transport wine, brandy, or flavored malt beverage from the primary source of supply. A wine wholesaler may export and transport wine, brandy, or flavored malt beverage by the bottle, barrel, cask, or other container, to points outside Indiana. A wine wholesaler is entitled to sell, furnish, and deliver wine or flavored malt beverage from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery to a wine wholesaler, a wine retailer, a supplemental caterer, a temporary wine permittee, ~~and~~ a wine dealer, **and a supplemental dealer**, but not at retail. A wine wholesaler may sell, furnish, and deliver brandy from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, but not at retail, only to a person who holds a liquor retailer's permit, a supplemental caterer's permit, ~~or~~ a liquor dealer's permit, **or a supplemental dealer's permit**. A holder of a wine wholesaler's permit may sell wine to the wine wholesaler's bona fide regular employees.

(b) As used in this section, "brandy" means:

(1) any alcoholic distillate described in 27 CFR 5.22(d) as in effect on January 1, 1983; or

(2) a beverage product that:

(A) is prepared from a liquid described in subdivision (1);

(B) is classified as a cordial or liqueur as defined in 27 CFR 5.22(h) as in effect on January 1, 1997; and

(C) meets the following requirements:

(i) At least sixty-six and two-thirds percent (66 2/3%) of the product's alcohol content is composed of a substance described in subdivision (1).

(ii) The product's label makes no reference to any distilled spirit other than brandy.

(iii) The product's alcohol content is not less than sixteen percent (16%) by volume or thirty-two (32) degrees proof.

(iv) The product contains dairy cream.

(v) The product's sugar, dextrose, or levulose content is at least twenty percent (20%) of the product's weight.

(vi) The product contains caramel coloring.

(c) Nothing in this section allows a wine wholesaler to sell, give, purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless the wine wholesaler also holds a beer wholesaler's permit under IC 7.1-3-3-1.

(d) A wine wholesaler that also holds a liquor wholesaler's permit

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under IC 7.1-3-8 may not:

- (1) hold a beer wholesaler's permit under IC 7.1-3-3;
- (2) possess, sell, or transport beer; or
- (3) sell more than one million (1,000,000) gallons of flavored malt beverage during a calendar year.

SECTION 10. IC 7.1-3-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 27. Supplemental Dealer's Permits

Sec. 1. This chapter does not apply to a holder of a dealer permit for a package liquor store.

Sec. 2. The commission may issue a supplemental dealer's permit only to a holder of a beer, wine, or liquor dealer permit. The holder of a dealer's permit may sell alcoholic beverages as follows:

- (1) The holder of a beer, wine, or liquor dealer's permit may sell alcoholic beverages Monday through Saturday under IC 7.1-3-1-14.
- (2) If the holder of a beer, wine, or liquor dealer's permit also holds a supplemental dealer's permit under this chapter, the permittee may also sell alcoholic beverages on Sunday to customers for consumption only off the licensed premises under IC 7.1-3-1-14.

Sec. 3. The holder of a supplemental dealer's permit is entitled to:

- (1) purchase alcoholic beverages only from a permittee entitled to sell to the holder of the dealer's permit under this title;
- (2) possess and sell only those types of alcoholic beverages that the dealer may lawfully possess and sell under the dealer's permit that qualifies the dealer to hold a supplemental dealer's permit; and
- (3) sell the appropriate alcoholic beverages for consumption off the licensed premises on Sunday as provided in IC 7.1-3-1-14.

Sec. 4. A supplemental dealer's permit, for purposes of this title, is considered a separate and distinct type of dealer's permit. It does not affect the rights, privileges, and restrictions applicable to any other type of dealer's permit. The rights, privileges, and restrictions provided in this title for a supplemental dealer's permit apply only on Sundays.

SECTION 11. IC 7.1-4-4.1-12, AS AMENDED BY P.L.224-2005,

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SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) This section applies to the following biennial permits:

- (1) Beer dealer's permit.
- (2) Liquor dealer's permit.
- (3) Malt dealer's permit.
- (4) Wine dealer's permit.

(5) Supplemental dealer's permit.

(b) The commission shall charge a single fee for the issuance of any combination of dealers' permits issued for the same location. The fee is equal to the sum of the amount determined under subsection (c).

(c) An annual permit fee in the following amount is imposed on a dealer:

- (1) Five hundred dollars (\$500), if the dealer sells only beer, only liquor, or only wine.
- (2) Seven hundred fifty dollars (\$750), if the dealer sells:
 - (A) both beer and wine but no liquor;
 - (B) both wine and liquor but no beer; or
 - (C) both beer and liquor but no wine.
- (3) One thousand dollars (\$1,000), if the dealer sells beer, wine, and liquor.

SECTION 12. IC 7.1-4-10-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. Not later than the fifth day of the each month, the treasurer of state shall transfer the supplemental permit fee proceeds deposited with the treasurer of state under IC 7.1-4-11-2.6 into the enforcement and administration fund established under this chapter.**

SECTION 13. IC 7.1-4-11-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.6. The chairman shall collect the required permit fee paid for a supplemental permit under IC 7.1-3-27 and deposit the proceeds of the fee daily with the treasurer of state. The treasurer of state shall transfer the supplemental permit fee proceeds into the enforcement and administration fund under IC 7.1-4-10-1.5.**

SECTION 14. IC 7.1-5-7-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5.1. (a) A permittee in a criminal prosecution or in a proceeding before the commission or a local board based upon a charge of unlawfully furnishing an alcoholic beverage to a minor may offer either or both of the following proofs as a defense or defenses to the prosecution or proceeding:

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(1) That:

(A) the purchaser:

(i) falsely represented the purchaser's age in a written statement, such as that prescribed by subsection (b), supported by two (2) forms of identification showing the purchaser to be at least twenty-one (21) years of age;

(ii) produced a driver's license bearing the purchaser's photograph; ~~or~~

(iii) produced a photographic identification card, issued under IC 9-24-16-1 or a similar card, issued under the laws of another state or the federal government, showing that the purchaser was of legal age to make the purchase; **or**

(iv) produced a government issued document bearing the purchaser's photograph and showing the purchaser to be at least twenty-one (21) years of age;

(B) the appearance of the purchaser was such that an ordinary prudent person would believe the purchaser to be of legal age to make the purchase; and

(C) the sale was made in good faith based upon the reasonable belief that the purchaser was actually of legal age to make the purchase.

(2) That the permittee or ~~his~~ **the permittee's** agent had taken all reasonable precautions in instructing ~~his~~ **the permittee's** employees, in hiring ~~his~~ **the permittee's** employees, and in supervising them as to ~~the~~ **the** sale of alcoholic beverages to minors.

(b) The following written statement is sufficient for the purposes of subsection (a)(1)(A)(i):

REPRESENTATION AND STATEMENT
OF AGE
FOR PURCHASE OF ALCOHOLIC
BEVERAGES

I understand that misrepresentation of age to induce the sale, service, or delivery of alcoholic beverages to me is cause for my arrest and prosecution, which can result in punishment as follows:

(1) Possible payment of a fine of up to \$500.

(2) Possible imprisonment for up to 60 days.

(3) Possible loss or deferment of driver's license privileges for up to one year.

(4) Possible requirement to participate in an alcohol education or treatment program.

Knowing the possible penalties for misstatement, I hereby represent and state, for the purpose of inducing _____

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1 (Name of licensee)
2 to sell, serve, or deliver alcoholic beverages to me, that I was born:
3 _____, _____, _____ and am _____ years of age.
4 (Month) (Day) (Year)
5 Date _____ Signed _____
6 Address _____
7 _____
8 Other Identification Signature of person
9 Presented: who witnessed completion
10 Nonphoto driver's of this statement
11 license: (number & state) by patron:
12 _____
13 Social Security Number _____
14 _____
15 Other _____
16 _____
17 _____
18 SECTION 15. IC 7.1-5-7-11, AS AMENDED BY P.L.2-2007,
19 SECTION 133, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The provisions of sections
21 9 and 10 of this chapter shall not apply if the public place involved is
22 one (1) of the following:
23 (1) Civic center.
24 (2) Convention center.
25 (3) Sports arena.
26 (4) Bowling center.
27 (5) Bona fide club.
28 (6) Drug store.
29 (7) Grocery store.
30 (8) Boat.
31 (9) Dining car.
32 (10) Pullman car.
33 (11) Club car.
34 (12) Passenger airplane.
35 (13) Horse racetrack facility holding a recognized meeting permit
36 under IC 4-31-5.
37 (14) Satellite facility (as defined in IC 4-31-2-20.5).
38 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
39 public.
40 (16) That part of a hotel or restaurant which is separate from a
41 room in which is located a bar over which alcoholic beverages are
42 sold or dispensed by the drink.

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(17) Entertainment complex.

(18) Indoor golf facility.

(19) A recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.

(20) A licensed premises owned or operated by a postsecondary educational institution described in IC 21-17-6-1.

(21) An automobile racetrack.

(22) A package liquor store, if the requirements of subsection (c) are met.

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

(1) The minor is eighteen (18) years of age or older.

(2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.

(3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.

(c) It is lawful for a minor to be on the licensed premises of a package liquor store if the minor is:

(1) employed under section 13(1) of this chapter; or

(2) in the company of the minor's parent or guardian who is at least twenty-one (21) years of age.

SECTION 16. IC 7.1-5-10-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 23. (a) It is a Class C misdemeanor for a dealer permittee (as defined in IC 7.1-3-1.5-2) or an employee or agent of a dealer permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish to another person an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce:**

(1) a driver's license;

(2) an identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government; or

(3) a government issued document;

bearing the person's photograph and birth date showing that the

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1 person is at least twenty-one (21) years of age.

2 (b) It is a defense in a criminal or administrative proceeding to
3 a charge under this section that the individual to whom the dealer
4 permittee or employee or agent of the dealer permittee sold,
5 bartered, exchanged, provided, or furnished alcoholic beverages
6 for consumption off the licensed premises was or reasonably
7 appeared to be more than fifty (50) years of age.

8 SECTION 17. THE FOLLOWING ARE REPEALED [EFFECTIVE
9 JULY 1, 2010]: IC 7.1-3-10-5; IC 7.1-5-10-11.

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